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John D. Villa, Jr.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN D. VILLA, JR.,

Plaintiff,

vs.

LINDA ROWE; JENNIFER SWINEY;
BHAWNA JAIN,

Defendants.

No.: C07-01436 WHA

**[PROPOSED] WRIT OF HABEAS CORPUS
AD TESTIFICANDUM**

Date: February 2, 2012
Time: 8:00 a.m.

Trial Date: February 21, 2012
Time: 7:30 a.m.
Place: Courtroom 9
Judge: Hon. William Alsup

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1 John Daniel Villa, Jr., inmate no. J-38001, a necessary and material party in the proceedings
2 in this case, is confined currently in Ironwood State Prison, A1-249, P.O. BOX 2199, Blythe,
3 California, 92226 and will be transferred to San Quentin State Prison, San Quentin, CA 94964 for
4 trial set for February 21, 2012. Because Mr. Villa is a validated former gang member the California
5 Department of Corrections and Rehabilitation has classified him as a Sensitive Needs Yard inmate it
6 is necessary that a Writ of Habeas Corpus Ad Testificandum issue commanding the Wardens of
7 Ironwood State Prison and San Quentin State Prison to produce Mr. Villa in San Quentin State
8 Prison at a time before trial, which is tentatively scheduled to begin February 21, 2012.

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10 Thus, it is necessary that a Writ of Habeas Corpus Ad Testificandum issue commanding the
11 Warden of Ironwood State Prison, A1-249, P.O. BOX 2199, Blythe, California, 92226 to transport
12 Mr. Villa to San Quentin, California 94964 after his parole hearing at Ironwood State Prison set for
13 February 17, 2012 in time before trial, which is scheduled to begin February 21, 2012 It is also
14 necessary that an order issue that the CDCR is to transport Mr. Villa from Ironwood to San Quentin
15 and to return him , for purposes of his trial date of February 21, 2012, on a bus, or other suitable
16 vehicle, without inmates from the general population.

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19 Thus, it is also necessary that a Writ of Habeas Corpus Ad Testificandum issue commanding
20 the Warden of San Quentin to produce Mr. Villa before this court, Courtroom 9, 19th Floor, United
21 States Courthouse, 450 Golden Gate Ave., San Francisco, California 94102 on February 21, 2012 at
22 7:30 a.m., and each day thereafter through the duration of his trial.

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25 Accordingly, **IT IS ORDERED** that:

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27 1. A Writ of Habeas Corpus Ad Testificandum Issue, under the seal of this court,
28 commanding the Warden of Ironwood State Prison, A1-249, P.O. BOX 2199, Blythe, California,

1 92226 to transport Mr. Villa to San Quentin, California 94964 after his parole hearing at Ironwood
2 State Prison set for February 17, 2012 in time before trial, which is scheduled to begin February 21,
3 2012;

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5 2. A Writ of Habeas Corpus Ad Testificandum Issue, under the seal of this court,
6 commanding the Warden of San Quentin State Prison, San Quentin, CA 94964, to produce the
7 inmate before this court, Courtroom 9, 19th Floor, United States Courthouse, 450 Golden Gate Ave.,
8 San Francisco, California 94102, no sooner than February 21, 2012 , 7:30 a.m. and from day to day
9 as advised by the Court and the parties until the completion of court proceedings as ordered by the
10 Court under the custody of the Federal Marshal;

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13 4. It is further ordered that Mr. Villa's designation as a "Special Needs" inmate must
14 stay in place at all times while he is located or housed at Ironwood State Prison, San Quentin State
15 Prison, the U.S. District Court for the Northern District of California, and any other facility or
16 location it is necessary to take Mr. Villa in order to implement this writ. As a "Special Needs"
17 inmate, Mr. Villa is not to be housed or transported with anyone in the General Prison Population,
18 including during his transportation to and from San Quentin or upon his return to Ironwood State
19 Prison, Blythe, California 92226;

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22 5. The Clerk of Court is ordered to serve a courtesy copy of this order and Writ of
23 Habeas Ad Testificandum on the Out To Court Desks of Ironwood State Prison, A1-249, P.O. BOX
24 2199, Blythe, California, 92226 and San Quentin State Prison, San Quentin, CA 94964;

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27 6. Upon completion of the trial in this civil rights action, and upon satisfaction of this
28 writ by the Court, the United States Federal Marshal return John D. Villa, Jr. to State Officers so that

1 they may return him to Ironwood State Prison under safe and secure conduct;

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3 7. San Quentin State Prison, Ironwood State Prison, the Sheriff's Department, the United
4 States Marshal, and the United States Bureau of Prisons shall each bear their respective costs of
5 implementation of the terms of this writ and that the United States Marshal shall provide all
6 necessary security for the custody of John D. Villa, Jr., so long as he is in the temporary custody of
7 the Court.
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10 I **COMMAND** you to produce the inmate named above to appear before the United States
11 District Court at the time and place named above; and thereafter to return the inmate to the above
12 institution.
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14 Further, you are **ORDERED** to notify the Court of any change of custody of the inmate and to
15 provide the new custodian with a copy of this writ.
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18 DATED: February ___, 2012.
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20 _____
21 Honorable William Alsup
22 District Judge, U.S. District Court for the Northern
23 District of California
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